

**IN THE UNITED STATES DISTRICT COURT FOR THE
MIDDLE DISTRICT OF PENNSYLVANIA**

THE PENNSYLVANIA STATE
UNIVERSITY,

Plaintiff and
Counter-Claim Defendant,

v.

VINTAGE BRAND, LLC,

Defendant and
Counter-Claim Plaintiff,

and

SPORTSWEAR INC. d/b/a PREP
SPORTWEAR; and CHAD
HARTVIGSON,

Defendants.

Case No. 4:21-cv-01091-MWB
(Hon. Matthew W. Brann)

DEFENDANTS' NOTICE OF CROSS-APPEAL

In accordance with Federal Rule of Appellate Procedure 4(a)(3), Defendants Vintage Brand, LLC, Sportswear Inc., and Chad Hartvigson hereby provide this Notice of Cross-Appeal to the Court of Appeals for the Third Circuit from the

judgment entered on June 25, 2025 (ECF 368) and all orders, including pending orders, that merge into the final judgment.¹

Dated: July 31, 2025.

Respectfully submitted,

By: /s/ John T. Fetters

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¹ If a party files a notice of appeal after the court announces or enters a judgment, but before it disposes of any post-trial motion enumerated by Federal Rule of Appellate Procedure 4(a)(4)(A)—which includes motions under Federal Rules of Civil Procedure 50(b) and 59(a)—the notice of appeal becomes effective to appeal a judgment or order when the order disposing of the last such remaining motion is entered. *Id.*; see also 2A Fed. Proc., L. Ed. § 3:582 (June 2025 update). Here, Plaintiff filed a Notice of Appeal, ECF 380, before the District Court has resolved Defendants' pending and timely post-trial motion under Rules 50(b) and 59(a) of the Federal Rules of Civil Procedure. See ECF 370–371. Therefore, Plaintiff's Notice of Appeal, this Notice of Cross-Appeal, and any Amended Notice of Appeal or Amended Notice of Cross-Notice of Appeal become effective only after the Court has disposed of Defendants' motion under Rules 50(b) and 59(a). By filing this Notice of Cross-Appeal, Defendants do not waive any arguments as to the timeliness of Defendants' motion under Rules 50(b) and 59(a), which was timely filed, and this Notice of Cross-Appeal is being filed at this time out of prudence and to preserve all rights of appeal.

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CERTIFICATE OF SERVICE

I hereby certify that I electronically filed the foregoing document with the Clerk of the Court using the CM/ECF system on this 31st day of July 2025, which constitutes service on Plaintiff pursuant to Fed. R. Civ. P. 5(b)(2)(E):

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